

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, OCTOBER 9, 2000 AT 1:30 P.M.**

The Meeting was called to order at 1:30 p.m. Present: Council Chairperson Shoecraft; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Seng; Joan Ross, Deputy City Clerk.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

JOHNSON Having been appointed to read the minutes of the City Council proceedings of Oct. 9, 2000, reported having done so, found same correct.

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PUBLIC HEARING

MAN. APP. OF ROBERT D. ROSENTHAL FOR B & R STORES, INC. DBA RUSS'S BISHOP HEIGHTS IGA AT 4200 S. 27TH ST. - Robert D. Rosenthal, 4000 S. 56th St., took oath & came forward to answer any questions.

This matter was taken under advisement.

APP. OF LAZLO, INC. DBA EMPYREAN ALES/LAZLO'S/JABRISCO'S FOR A CLASS K LIQUOR CATERING LICENSE AT 729 Q ST. - Mike Rierden, 645 "M" St., Suite 200, representing applicant, took oath: I'm here mainly to answer any questions you might have. This is, as Joan indicated, for a catering license to compliment the other licenses that Lazlo's & Jabrisco's & Empyrean Ales has.

This matter was taken under advisement.

APP. OF DLLR, INC. DBA CITY SPIRITS TO DELETE AN AREA MEASURING 42' BY 28' TO THE SOUTH FROM ITS LICENSED PREMISES AT 2620 STOCKWELL ST. - Linda Roth, 830 Starview Ln., took oath & came forward to answer any questions.

This matter was taken under advisement.

APP. OF LORABELLE, INC. DBA THE GRAPEVINE FOR A CLASS I LIQUOR LICENSE AT 2620 STOCKWELL ST.;

MAN. APP. OF LINDA L. DENKINGER FOR LORABELL, INC. DBA THE GRAPEVINE AT 2620 STOCKWELL ST. - Linda L. Denkinger, 5631 Hallcliffe, took oath & came forward to answer any questions.

This matter was taken under advisement.

CHANGE OF ZONE 3275 - AMENDING SECTIONS 27.24.040(j) & 27.63.340 OF THE LMC TO ALLOW OTHER THAN PROFESSIONAL OFFICES AS PERMITTED SPECIAL USES IN THE R-8 RESIDENTIAL ZONING DIST. - Mark Fahleson, Remboldt Ludtke & Berger, 1201 Lincoln Mall, Suite 102, appearing on behalf of Nebraska Assoc. of County Officials: If I could just briefly explain what the purpose of this is. NACO's been around for 106 yrs., provides services for all of Nebraska Counties & County Officials. They have a building directly across the street to the west from the Governor's Mansion. It is currently zoned R-8. Everything north of there is zoned a different classification that allows trade associations, like NACO, to operate. We began looking at this, worked our way through the Planning Commission, by virtue of your procedures got bumped to the Capitol Environs Commission which made a great recommendation in our minds which was boy, folks, in R-8 certain kinds of offices are allowed for doctors, for architects, for professional services & even lawyers but, for some reason, we don't allow trade associations & the classifications which are in there probably could not withstand challenge, probably don't make sense since there's a lot more walk-up traffic with the doctor's office as opposed to a trade association. It's based upon the recommendation of the Capitol Environs Commission, we recommended striking the language which limited offices to those type of professional offices so that we could operate a trade association in this particular building. That was recommended on an unanimous vote by the Planning Commission & it is here that we present the same request.

This matter was taken under advisement.

AMENDING THE "DESIGN STANDARDS FOR LAND SUBDIVISION REGULATIONS", THE "DESIGN STANDARDS FOR ZONING REGULATIONS", & THE "MISCELLANEOUS DESIGN STANDARDS"

& TO COMBINE THE DESIGN STANDARDS INTO A SINGLE DOCUMENT ENTITLED "THE CITY OF LINCOLN DESIGN STANDARDS" - Roger Figard, Public Works & Utilities, representing Parks, Planning & also Building & Safety: I think Joan basically read...about 3 yrs. ago, we undertook an effort to try to produce a document that, in effect, put all of our design standards as they would relate to wastewater, stormwater, water mains, streets, both rural, urban & private, in one document so that if an individual came into town could pick up a document & know what those standards were. We had them in a number of places & a number of pieces & parts. This effort, under help from Dick Chase as a consultant, has brought this document together. As we put the document together in-house there were a series of meetings, we worked with consultants, subdividers, contractors to try to bring together a set of standards. Each one of the chapters, at the beginning, has a reference point in which that area is governed perhaps by other State or Federal regulations so that these aren't just City of Lincoln Design Standards. Within the water area, there's certain safe drinking water act standards that must be followed. In the streets & highways, certainly the State Board of Roads & Classifications publishes a minimum design standard which we must meet in new construction to be eligible for State funding & have projects & approved TIP. We think that does that. We also think as we reviewed the document with the consultants that, in some areas, we actually are a little more flexible. We tried to make things work a little better out in the subdivisions. So, I don't think there's any new or increased hardship necessarily within the document. As we got to Planning Commission, there were two issues that arose. One had to do with the construction of service "Y's" & the service pipe from the wastewater main out to the property line. Planning Commission specifically eliminated that requirement from the design standards. There was some question whether that was really meant to be in the wording of the standard or on a drawing. We have supplied you a Motion to Amend 2.4, Sanitary Sewer Services & we strongly recommend with support, we think, of Building & Safety, our own Wastewater Division that it is pertinent & appropriate for those service "Y's" to be included in the initial construction. We think that we have letters in from Bob Hampton & from plumbers saying that that is the thing to do. We think that we've resolved that & would respectfully request that you amend that motion to include that sewer service work back in the standards as you approve them. There was another question that come up & it had to do with a waiver policy & I would ask Rick Houck if he would come forward & try to explain to us what the waiver policy was before hand, what was being proposed, & where things stand today.

Rick Houck, Planning Dept.: Under the proposed set of waivers, that are coming forward under our unified book, the waiver process is basically...was basically proposed to have design standards specifically eligible for waivers directly from the various department directors by letter to the City Council. Under the current process, we have three distinct sets of design standards. One, the subdivision design standards &, secondly, the zoning design standards. Those are directed...waiver processes are taken directly through the Planning Commission & City Council usually in association with a project such as a preliminary plat, a use permit & these type of items. The third set of waivers are for driveways & stacking requirements & these are taken directly from Public Works through City Council. They never really go to the Planning Commission. We are currently in the process & Planning Commission acted on it last week to codify the Design Standards as they currently exist to be placed into the proposed design standards. If you have questions, I can attempt to answer them.

Jonathan Cook, Council Member: Explain what was just passed by Planning Commission.

Mr. Houck: Planning Commission last week just passed a set of design stand...or a set of waiver processes that exist in the current design standards in various locations but it establishes that the zoning design standards & subdivision design standards. If there are waivers requested it will be taken through the Planning Commission & up to the City Council. The driveway & stacking design standards are taken directly from Public Works to the City Council without Planning Commission acting on them.

Mr. Cook: And that's the way it is today...

Mr. Houck: That's the way it is today.

Mr. Cook: What about other waivers to things in the design standards. What else needs to go through a waiver process like that. What if somebody says we can put our water line a little closer to the sewer line & we have to do that because it's necessary to avoid, I don't

know, cutting down a tree. I'm just making things up here but...

Mr. Houck: Those are all addressed or normally addressed through the preliminary platting or through a use permit that may be processed through the Planning Commission so they see those but they don't see those as separate & distinct waivers.

Mr. Cook: What if as you are in the process of building your subdivision & you're putting in a water line & you discover a problem that requires that you have to get a waiver to the design standards in that one particular special case.

Mr. Houck: If the department that has the administrative authority over those feels that that is a extreme difference from the established design standards, they can direct that it goes back to the Planning Commission & through the City Council. Those are very seldom addressed that way. To the best of my recollection, I can't remember any that've come back. They're usually minor items that Public Works feel are engineering issues & they can waive them or they can work around them indirectly.

Mr. Cook: When you say that design standard waivers such as the stacking come directly to the City Council, you're talking about as a separate resolution that we would have public hearing on.

Mr. Houck: Correct.

Mr. Cook: But you're talking about amending this to be is where it just goes into reports of City Officers & it doesn't get a separate public hearing.

Mr. Houck: The waiver itself does not get a separate public hearing but the zoning or subdivision item that it's associated with has a separate & distinct public hearing. You're completely lost.

Mr. Cook: Well, even if this were changed, this only applies to design standards. Subdivision & zoning ordinance waivers still will have to go through the process.

Mr. Houck: Will still...distinct items in the subdivision & zoning still have to come before the Planning Commission & City Council. This is one thing that Planning Commission might have been confused or concerned about. Minimum improvements in the subdivision ordinance, water, sewer, street trees, sidewalks, etc., etc., those are not design standards. Those are requirements of the Subdivision Ordinance. Those still have to come before the Planning Commission & City Council to get them waived. Now, the thickness of the sidewalks whether it can, in some cases it has to be only 3.5 inches due to ground conditions or the size of a street tree, normal size is an inch & a half caliper because of the type of tree inch & a half caliper doesn't exist, they can only have an inch & a quarter caliper, that is a design standard item. The street trees still have to be put in but can it be put in at less than the design standards spell out.

Mr. Cook: Isn't it true though that to some degree the design standards & the requirements in the subdivision & zoning code overlap. That some things end up here, some things end up there, it kind of depends upon just the history of how we put that together or is there really a clear delineation between design standards & requirements there for particular...

Mr. Houck: I see them...there's a clear differentiate between the design standards & the subdivision & zoning requirements. Subdivision says sidewalks have to go in.

Mr. Cook: Okay. Design standards say they have to be this thick.

Mr. Houck: Design standards say they have to be so thick, they have to have certain slope to the streets...street edging.

Mr. Cook: Alright, so ultimately here, though, you say this doesn't really come up very often anyway & I guess I'm wondering what's the reason for the change? What exactly will this do for us? I mean it gets it into this Reports from City Officers position on the Agenda rather than a separate public hearing thing but you're saying that design standard waivers normally will just come directly to the City Council anyway?

Mr. Houck: Design standard...

Mr. Cook: Even if we didn't change this waiver process & we just went with what the Planning Commission just adopted.

Mr. Houck: Design standard waivers for subdivision & zoning will have to come to you through the various subdivision & zoning projects.

Mr. Cook: A waiver of just something in this particular area, just the design standards, comes directly to us?

Mr. Houck: No.

Mr. Cook: Doesn't come through...oh, okay.

Mr. Houck: It does not. Under the new...

Mr. Cook: I'm talking about what the Planning Commission just

passed.

Mr. Houck: What the Planning Commission just passed would take a separate waiver & take it through the Planning Commission & the City Council except for driveways & stacking.

Mr. Cook: Oh, except for driveways & stacking.

Kathleen Sellman, Planning Director: That's correct, I concur with Rick.

Mr. Cook: But you just want to skip the Planning Commission step primarily through this change.

Mr. Houck: What the proposed...it initially proposes design standards...it was skipping the Planning Commission step, bring it directly to City Council with a director's report.

Mr. Cook: But, in that case, it's still not a public hearing item. It's just a Report from City Officers.

Mr. Houck: Correct.

Mr. Cook: There's no agenda item that is advertised that says these waivers have been requested.

Ms. Sellman: Although, it is an option for City Council to not accept the report & to schedule separately a public hearing on the request.

Mr. Cook: I'll stop asking questions on this item.

Annette McRoy, Council Member: So, basically, we're trying to save time with the...time & redundancy by letting the City director make a recommendation & write the report within 15 days & have it listed & that way construction can move forward without unnecessary delays waiting to get on our agenda's?

Mr. Houck: Correct.

Ms. McRoy: So, that's in a nutshell we're going to let you make your decisions & if we don't...if we kind of want to discuss it then we still have the right to have a public hearing, once it hits our agenda, if we want to reject the report. But we're trying to speed the process up so that would be...I guess that would be more of an advance for development/construction communities?

Ms. Sellman: That's correct.

Mr. Figard: Staff's here to answer any other particular questions you've got about design standards or the other motion.

Mr. Cook: I just want to note one thing. I think I mentioned this to Roger. Chapter 2.35 appears to be a duplicate of Chapter 3.95, "Design Standards for Street Trees". I think they're exactly the same but I guess it's something to check. Under Chapter 2.15, page 13, there's something about design standards for roundabouts, kind of a topical item. Under landscaping, 3.14.12, it says "No plant material or other landscape material except grass shall be placed within 8' from the back of the curb." I think this is on the center island on the roundabout. No landscape material other than grass? Why is that important?

Richard Chase, 4830 S. 89th St.: I'm a consulting engineer & I assisted in the preparation of these documents. That item on the roundabout was intended to keep the area adjacent to the curb clear for traffic purposes as much the same as you would have on the opposite outside. But it's...it is intended to help maintain a clear sight path for vehicles in the roundabout.

Mr. Cook: And the 24" requirement wouldn't do that?

Mr. Chase: The 24" requirement that you're referring to is for lateral obstacles.

Mr. Cook: No, no, 24" high. It says here...

Mr. Chase: Thirty inches high...oh, well, 24 on the center island.

Mr. Cook: I'm surprised to find that myself in here. The 30" has been changed to 24" which I think is...

Mr. Chase: On the center island, yes.

Mr. Cook: On the center island. But why isn't the 24" height adequate all the way to the curb?

Mr. Chase: Well, I'm not...I don't remember completely where that came from. I do remember that it's less than was originally requested.

Mr. Cook: I guess it concerns me because that's a pretty large portion of the roundabout circle that is possibly lost here to landscaping.

Mr. Chase: Yeah, please understand that these roundabout design standards are based on design standards that are still in the process of developing worldwide. The United States...it's a relatively new concept the way we're looking at it here. There have been some large roundabouts in the United States for many, many years. But those are generally...have radii in the neighborhood of 300' so they're a couple blocks across & we're talking about something considerably less here. And in putting all of these together, I did a lot of research on the developing standards &

that clearance issue probably came out of some of those recommended standards.

Mr. Cook: So, do you see this applying to a location like 33rd & Sheridan Blvd.?

Mr. Chase: I think it would, yes.

Mr. Cook: 'Cause there...at first I thought, okay, maybe there's something about allowing trucks to drive over the edge of this & not having landscaping there would facilitate that but at 33rd & Sheridan we've got a special circle built specifically for trucks to drive over that's kind of up from the curb & then there's another curb that's for the median. I hate to see 8' all the way around this lost to landscaping. It makes no sense to me if there's space for trucks to drive over & we keep it trimmed to 24" high so people can see over it. I hate to just have grass there. I think it's going to be an important consideration when this circle is built there.

Mr. Chase: Well, I think, too, there is a maintenance/safety issue involved in that it gives you...if you landscaping materials...plant materials that require some maintenance, you'd like to have those set back from the traffic...edge of traffic where traffic might be going to.

Mr. Cook: Well, if we needed to amend this later, maybe we can't come up with the number now & maybe we need to talk about this more but I think 8' just sounds like a lot especially for a location like that. And, obviously, we could deal with the waiver process at that time too. So, we may talk about that more later. Let me ask on a couple of other items, 2.35 or 3.95, same thing, page 1, says street trees shall be planted in the public right-of-way except along major streets in which case the trees shall be planted on the private property abutting such major streets. I guess this...if this design standard applies to our plantings along arterial streets that is of concern. Am I not understanding...I mean we have a boulevard concept coming forward here soon & one of the reasons for doing this boulevard concept is to give us enough space to plant trees within the City right-of-way. This seems to preclude that.

Mr. Figard: I would guess there would be some room for discussion if we get 140'. I think the intention most of our platted public streets in those areas now there isn't sufficient room for a tree particularly when we come back & rehabilitate it & the idea was to plant the tree on private property so that we didn't destroy it again in the future on those arterials, Jonathan.

Mr. Cook: But, currently though, if we go in & we rehabilitate a street & we want to plant street trees along it, & there is 10' say between the curb & the sidewalk, you know, it's a street through an older neighborhood that has street trees along it already but many have died, wouldn't we plant those between the curb & sidewalk? I mean we're not going to change that policy here are we?

Mr. Figard: Well, I think we were distinctly looking at trying to move the arterial trees back onto private property so that the...we had the other space for other pedestrian inter-modal uses in that area. I wish Lynn Johnson was here from Parks on that...

Mr. Cook: I'm thinking specifically of 40th St.

Ms. Seng: He's behind you.

Mr. Cook: Fortieth Street was widened to three lanes but the amount of space between the sidewalk & the curb is sufficient to allow tree planting & the intention there, I think, is that where we can, if there aren't overhead power lines or other obstructions, that we plant trees between the curb & the sidewalk. Again, I want to know how this would affect a circumstance like that that's an older neighborhood that has traditionally had some trees planted between the sidewalk & curb.

Lynn Johnson, Parks & Rec.: The intent would be to put street trees back if they've historically been between the curb & the sidewalk & there's adequate space, yeah, we'd definitely put those back in that location. Looking at Kathleen & Roger, these apply to new developments predominately, right, & not existing?

Mr. Figard: I think we want to readdress...again, we started on these three years ago. If the public way corridor comes forward with 140', I think that we could address that, Jonathan. The bottom line as we have gone through & done projects over the years, whether it's in the new part or the old part of town, typically, the biggest destruction we create is the removal of trees that are established. And the idea was to put them back on private property, let them grow & be established, be an amenity to the area & not have to be removed no matter what future improvements you had to do within the existing right-of-way to the extent possible so it really was to move them back.

Mr. Cook: Oh, but I disagree with that approach...

Mr. Figard: I know you do.

Mr. Cook: I mean on 40th St. clearly we have no plans to do anything else to that street for a long time & to not plant trees between the sidewalk & the street I think there is a mistake. I don't know that there's even room in many cases to put them on private property.

Mr. Figard: I think we have a plan & maybe I'm splitting hairs & perhaps we didn't think about it, there may well be a difference in interpretation between a rehabilitation project & a CIP reconstruction project as well. Or perhaps we didn't take that into account.

Glen Cekal, 1420 "C" St.: I feel I'm up here confused & don't even know if I know how to ask the question. Just before I come down to the meeting, I was walking north of the northwest corner of 14th & "C" & because a tree was planted too close to the sidewalk & would have the diameter of what possibly 3' or so. There is a killer sidewalk...I know that this City plans to redo that whole section & I thought to myself darest I wait that long & trust the luck that somebody doesn't fall & get killed or badly wounded & we end up with a big lawsuit or should I go ahead & report it in. Now, that seems to fit in with what we're talking about. I'm glad you are so concerned consistently on landscaping, Jonathan. I really am. But we want to be very careful we don't shoot ourself in the foot. In the older areas, we're going to have to spend hundreds of thousands of dollars if not millions for sidewalks that we wouldn't have had to possibly do anything about but just because of the trees. Some cases the trees are dying. Sometimes fix the sidewalk it'll end up killing a tree. They run into that on Woods View, I believe it was, some years ago between 16th & 17th, just a block or so south of Van Dorn. It was huge. I mean it was really bad. And now, so, the bottom line is we all want trees the thing is we shouldn't rush in though until we really...until everybody's satisfied. I don't think you should have difficulty satisfying everybody in this. And I'm a little bit surprised that this hasn't been discussed more in a pre-Council deal very frankly. So, my suggestion would be if you're not sure about it, defer it, & talk about it because we don't have a big fight, we just don't have...seem to be a meeting of the minds & I...we all want to accomplish the same thing so let's just not rush it through prematurely. The other thing, you know, any time I hear the word "amendment" starting from Wilderness Park, I hear the word "amend" & some attorney runs up "I'd like to add an amendment" I have kind of become a little paranoid & regardless of who asks for it. Do I understand this right on Item 13? Is this Mr. Abbott that is asking for this change in regarding the design standards? Is this Mr. Abbott that's asking for this? Who wants this change? Who's asked for it?

Mr. Figard: I guess I'll have to ask you a question. What change? Are you talking about the Motion to Amend or are you talking about the design standards themselves? They're not a change. They're taking all the design standards, zoning regulations, trying to put them into one document.

Mr. Cekal: Well what will that accomplish?

Mr. Figard: Well, if you want to know how something needs to be built or a developer comes to town...

Mr. Cekal: What will it...

Mr. Figard: Planning or Public Works, they can get this document, read the document, in one book, it'll tell them how to put the water mains in, sanitary sewer, where they need trees, where do they need sidewalks, how things are generally to be designed & laid out in one document instead of going out to Public Works Engineering, Planning...

Mr. Cekal: Is that what this says?

Mr. Figard: Yes.

Mr. Shoecraft: You have one minute.

Mr. Cekal: Okay, if that's what this says, that it be in one place?

Mr. Figard: Yes.

Mr. Cekal: Well, the way it was explained, I'm sorry but I had difficulty understanding it & I'm to the point now where if in doubt ask. So, it sounds like it's just a plain simple...it doesn't really change anything, it just makes it more logical?

Mr. Figard: That's correct.

Mr. Cekal: Thank you.

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc.: Just one point, I don't think we should cut out the Planning Commission in any part of the process even if it is sidewalks or driveways or stacking. I'm very hesitant when we start applying waivers to this & waivers to that. I still think the Planning Commission should be included in that & taken a look at it because it's an important step & it's an important step for the public & I think the public should be able to speak

on that well ahead of time before it comes to the City Council. Thank you.

Kent Seacrest, Seacrest & Kalkowski, 1111 Lincoln Mall, Suite 350, representing Ridge Development & Southview Inc. We have had the opportunity to review these & concur with the recommendations that the Planning Commission put forward to you. I think there were two or three that we'd like to add you to further consider. On your executive summary of the changes to the design standard which were a part of your packet under C-2 is the requirement to go from 20' to 30' for the sanitary sewer easements. We're not against that directly. What happens, however, is sanitary sewers are often at the low point where the storm water also goes & when you have a stormwater easement that you also have to give, what this...the rules are that you have to give an extra 10' for both the sanitary & the storm sewer to work so what this'll mean is we'll have to go up to 40' & 40', when you split between two lots ends up being 20' of additional setback on both sides for those two homeowners. We think it's fine to go from 20' to 30' but there should be extra language that says if it happens to have a storm sewer easement there that they can co-locate because there is room to co-locate. The extra width, as I understand it, is for the trucks & the backhoes & everything to get to the lines & be able to do maintenance but there's physically in 30' plenty of room for both the storm sewer & the sanitary sewer to work. So, again, 20' or 30' makes sense but if there's a storm sewer there instead of making us give an extra 10' which it is today, we'd like the right to be able to co-locate those lines. That same comment would also apply under the water main design standards on page 2, #4. That, again, is going the same way 20' to 30', that's fine, but if it's a co-location we should be able to double up that area along the way. There is a standard in here that we addressed, & I forgot to mark it, has to do with tap lines which, again, sanitary sewer tap lines in the olden days you use to build the san. sewer & then later on the plumber, when the home site was located & when you knew for sure where the driveway would be, they would come out & build the san. sewer & tap into the City sewer line in the street. We've sub... [break in tape]...that system is that we have not always been wise enough to know where to put the stubs & sometimes we put the stubs where the driveway wants to go & sometimes we can't find the stubs & we have discovered in our practice that it's ended up costing the home consumer in the end a lot of money. We know the plumbers like the present pattern. It's because they don't have to deal with this problem. And what happened is the Planning Commission agreed that we should not do the stub technique & should go back to the plumbers tapping & so that's what's in front of you but I believe Public Works is asking you today to go back & reconfirm the tap approach. We'd ask you to do what the Planning Commission said & that was go back & allow the plumbers to tap at the time when they really know where to put the line & where they need to put the line & knows where the driveway is to be sure it's out of the way of the driveway. And we think that, in the end, brings the cost down to the end consumer which is what this is all about. We know the plumbers don't like it because it makes them hassle with something that is a problem for them along the line. My final comment is on Urban Public Street Design Standards on page 3, #5, maybe I missed it but everybody thought that testified at Planning Commission that we should allow a center island cul-de-sacs to have landscaping. It is very attractive to have cul-de-sacs have landscaping in the middle of them & I did not see Planning Commission move to undo that & correct that so right now I believe the way it's in front of you is you can...the cul-de-sac island has to be bare so that they can put snow in there & we think there's...it makes a sterile environment for homeowners to have no landscaping in the middle of their island on their cul-de-sacs. And with that, I'd be glad to answer any questions you might have.

Mr. Fortenberry: You've spoken with Public Works about these issues & these prepared amendments? Perhaps Public Works ought to speak to them.

Mr. Seacrest: Sure.

Mr. Figard: I'll speak to a couple. In those locations where we'd happen to have more than one utility, I think that's the area where the departments ought to review & perhaps make a recommendation to you to waive exactly what the subdivision says & co-locate them. Otherwise, I think that we ought to have the easement width that is shown in there. Steve Masters is here to speak to the sewer stubs. A lot of work & effort have gone into that. We've also made some changes in the design detail that, hopefully, make it less difficult for folks to find that sewer stub. Steve, do you want to speak to that?

Steve Masters, Public Works & Utilities: Sure. In the last several weeks, we've had numerous conversations with builders & plumbers. There

was a meeting at the homebuilders association office last week. In attendance were two or three builders & 20 some odd plumbers. After considerable discussion, it was concluded that the desired approach would be to return to the current practice of providing a stub to the center area of the lot at the property line. We did make a couple of changes, however, that may be of some help to some of the concerns here that Kent was talking about. I'm not sure how well this will show up but, basically, what we have here is the cross-section of the...it tries to show the sewer main & then where the service is extended to the property line. Previously, we stopped the extension at about the minimum grade of the pipe & put the cap on it & then ran a one & a quarter inch PVC pipe above the ground surface. And what we concluded in our meeting was it would be desirable to bring that four inch pipe up to the point that it's 4' from ground surface, run the one & a quarter inch, one & a half inch PVC pipe above ground surface & that then allows a plumber to look for the pipe with less effort & less construction. We also concluded that it would be desirable to meet with homebuilders & plumbers again in January to talk about some of the issues & problems that have come up as we've talked about this practice. In the memo. that was provided to you, that was signed by both the directors of Public Works/Utilities & Building & Safety, we outlined that a return to the former practice results in higher costs, considerable safety issues, &, with these revisions, we believe that we have a good compromise to the problems that have been identified.

Mr. Fortenberry: What I heard regarding this particular issue was that the location of the stub is one issue but then if it's mislocated entirely, like underneath a driveway, then (inaudible) can't predict necessarily where those things are always going to be built.

Mr. Figard: But we had worked with the primary development consultants & there is a standard location on the main in relationship to the lot alignment & running them out. And as long as they're clearly marked & the homeowner wants to do something a little different on his driveway, I think there's an opportunity to make that change. It doesn't have to end up that way if they look ahead. And Steve's new proposed alignment with them only being 4' deep, I think they're much easier to find. I'm going to suggest that there haven't been very many situations where the existing PVC that came up was broken up & lost in the last year. Have been a couple of situations. In that case, it was costly & folks dug around quite a while but in relationship to the safety aspects & the lack of problems we've had with settlements under the curb & safety & plumbers working in trenches without appropriate shoring at times with our utility contractors doing it, I think it far outweighs that occasional time when we run into something.

Mr. Fortenberry: What about the issue of co-locating (inaudible) storm water runoff?

Mr. Figard: I think it still ought to be looked at on a site by site situation. What are the sizes of the mains involved? If the applicant had a request & it needs to be done, it could be reviewed as it comes through the normal platting process. And you could consider doing a waiver with that under undue hardship. I think what we're trying to make sure though is suggest that you have adequate room & space to work & you need a certain amount of separation between those utilities.

Mr. Cook: On the location of these, it was in the note about possibly using GPS, is that likely to be something where you actually note the position & then you can just go out there & find it again without actually...if you lose track of it using some physical marker or is that not...

Mr. Figard: Anything's possible if you've got enough money I guess. We're always willing & interested in looking to try to make sure that we're not losing infrastructure out there, Jonathan, but...

Mr. Cook: I mean I thought from a memo. that that was kind of the direction maybe you were interested in heading. It sounds like maybe that's not something you think is practical right now.

Mr. Masters: At our meeting with the homebuilders & plumbers, one of the things that was discussed is apparently there's a locating ball that can be placed in the trench that helps locate the device with a metal locator & one of the things we've kicked around & it's not in the standard & it's not something that we've definitely decided to do but perhaps it would make some sense to purchase a number of those & try them in a new development. At this point, we've not included GPS or those locating balls in the design standard or the design criteria but I think that's the kind of the thing that we'd like to talk about further when we get together again in January.

Mr. Figard: My suggestion would be we've had a couple of problems. If it was an extreme problem, you would've had a number of other folks in

here saying this is not the right thing to do. Instead, I think, Steve, through his process has suggested that we are doing the right thing & we need to continue to make sure that everyone that works in the subdivisions is aware of what that PVC pipe is that sticks up & it's not to damaged.

Mr. Seacrest: Now that I've heard Public Works, a couple comments. We have studied it & in the old days when we could have the plumber do the tap, it came out at \$500 a tap. Under the new system our bills are coming in at, collectively, at a thousand dollars. So, we do think that there is an extra two step cost there that is expensive along the line & that the sleeves come undone & that there's more problems than just not being able to find the tap. Secondly, as far as co-location, we think the burden should go on the other way of government. We think today at Planning Commission, Public Works agreed the 20' easement did work. It's not ideal but it did work & now I think the burden should be that if it's co-located, it should be 30' & if Public Works says that it's a tight situation for some reason, they can ask & on the condition ask for the extra 10' instead of it going the other way where we've gotta ask for the waiver on that. With that, I'd be glad to answer any other questions you might have.

Mr. Shoecraft: Thank you.

Mr. Seacrest: Thank you.

Mark Hunzeker, 530 S. 13th St., Suite B, representing Homebuilders Assoc. of Lincoln: We agree with Kent's comments with respect to the water & sewer easements. We've been giving up land recently for things like stormwater & trails & more recently a proposals been drafted which would ask us to give up a great deal of right-of-way for corridors purely for aesthetic purposes. There is a point where we begin to get an awful lot of land taken up with unproductive, at least in terms of being able to build on them, unproductive type uses. We really would like to be able to have the presumption be that we stick with the 20' easement that currently exists, has worked for a long time, has created a minimal number of problems, if any, & to as, Kent said, put the burden on the other side where additional easement area's necessary. The homebuilders do support the amendments that the Public Works Dept. is recommending with respect to the sewer line. We recognize that it's not a perfect system but the plumbers convinced the homebuilders at the meeting that this was a system that they should live with & were willing to do that. Again, I also agree with Kent with respect to cul-de-sac landscaping. I have not seen the final language that was approved. My understanding was that the Planning Commission had at least intended to permit trees in the cul-de-sacs but I'm not certain that that got into your language. I hope it did. If it didn't, I hope you'll put it there. We think that it's something that really ought to be there & really provides a nice amenity in residential areas where we're doing things like roundabouts & cul-de-sacs because it's a cul-de-sac generally with a 60' radius is an awfully big chunk of concrete which serves very little, if any, purpose other than to take up space & if we can put some of that landscaping in the middle of it, it improves the appearance. Finally, one thing that no one has addressed &, as I understand it, may not have found its way into the language that's before you is a phase in period or a period of time defining when these design standards take effect. While most of this is a recodification of existing design standards, there are a number of changes such as changes in street design standards, minimum radii for both vertical & horizontal curves & a number of things like that which will affect subdivision design & which we would really like to have similar to what you did a while back with another change, I can't say it right at the moment.

Coleen Seng, Council Member: We just did it, another phase in.

Mr. Hunzeker: Yes. The stormwater design standards, that's what I was thinking of, where we have a 60 day period or so after you approve these during which time, plats which are in the process of being engineered this minute, still can be submitted without having to meet these standards but, at some point, say 60 days down the road, people will have had sufficient notice that if they haven't turned them in, they're going to have to change them. But to just immediately impose a new set of standards on projects which may be ready to submit for review today would really put a burden on people & it would essentially put a lot of engineering work down the toilet so we would really appreciate to have a phase in period of at least 60 days. I don't have amendments prepared for this. I would like, if possible, to have a chance to submit those. I apologize. I don't have those available.

Ms. Seng: I wanted to wait 'til all the public was done & then I want to ask Staff. Who's the lead staff person? Is it Roger or Kathleen? Roger. Okay. Well, it sounds like there might be a need to have some work done on this before we approve it & would it be appropriate to put

this on pending for a little bit until you can get back?

Mr. Figard: Yes.

Ms. Seng: How much time do you need?

Mr. Figard: I was going to say a week but I don't want to do that again. Give us two weeks. We'll work this out. I did find other information on...that Dick had sent us on landscaping in the center islands. I think our intention was to have that in as part of a revision. And I'll visit more with both Kent & Mark on those other issues.

Mr. Shoecraft: Do we want to...Dana, do...put this on Pending or delay just for two weeks?

Dana Roper, City Attorney: (Inaudible).

Mr. Figard: I think our desire would bring it back off two weeks from today.

Mr. Shoecraft: Take it off Pending next week for continued public hearing...two weeks...or just come back with amendments & (inaudible).

Mr. Figard: Come back, we'll bring them & let's brief you on Monday morning & then you can choose whether or not you're ready to vote in the afternoon.

Mr. Shoecraft: Okay.

Ms. Seng: Roger, I specifically want you to address that cul-de-sac or roundabout, either one of those.

Mr. Figard: The 8'?

Ms. Seng: Um, hm.

Mr. Figard: Okay.

Ms. Seng: And then the tree plantings.

Mr. Figard: On private property?

Ms. Seng: Um, hm.

Mr. Figard: Okay.

Ms. Seng: I think that needs to be cleaned up in there doesn't it? Don't we have...

Mr. Figard: I'm not sure why one is...I mean, one's in zoning & the other one's in design standards. I need to see if that's appropriate, yes.

Ms. Seng: And then Mr. Hunzeker's comment about the phase in time was probably a good suggestion.

Mr. Figard: Okay. I would agree.

Ms. Seng: One of his few but...

Mr. Figard: There needs to be a process so that you don't back everybody up & make everything change.

Ms. Seng: Was there anything else that we heard that...

Mr. Fortenberry: I thought, Roger, honestly, there's some merit in the concept of the 20' easement then asking government to ask the development community to look at an exception, reversing that role rather than the department then asking for the waiver. Why do you have such a pained look on your face? Why don't you discuss that item some more?

Mr. Figard: Because typically what will happen then is the...that will become the norm. Everything that comes through will be that way & then our staff will have to pick it up & check it & do all the justification on why it shouldn't be separate rather than if there's something not unique about it, the subdivider can make that request. The norm is you have an easement width. You got something different than that they oughta bring it to our attention. Typically those things can be worked out between Planning & Public Works & the applicant through the review process. That's my thought.

Ms. Seng: Jerry, I'd like to move that this be placed on Pending for two weeks or placed on Pending & then we can take it off.

Mr. Cook: Second.

Jon Camp, Council Member: I'll support putting it on Pending. I would like to encourage in the finalization of this that attempts be made to make the administration of the program facilitated from the City's standpoint & also from the private sector, development community & so forth so that we help minimize costs there or we're most economical so that we can help the affordability of homes & everything, proceed better for the community. I mean these costs ultimately are reflected in lot costs & all & so I'd just like to see us have a system that is as cognizant of that as possible. Thank you.

Mr. Shoecraft: Call for that vote, Joan.

Motion carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

This matter was taken under advisement.

ACCEPTING & APPROVING THE PRE. PLAT OF FINIGAN RIDGE FOR 8 LOTS & WAIVERS OF THE REQUIRED SIDEWALKS, STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS, & BLOCK LENGTH ON PROPERTY GENERALLY LOCATED AT N. 84TH ST. & WAVERLY RD.

(CONNECTION W/00R-281);
SPECIAL PERMIT 1857 - APP. OF PEARLE FINIGAN TO DEVELOP FINIGAN RIDGE COMMUNITY UNIT PLAN CONSISTING OF 8 DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT N. 84TH ST. & WAVERLY RD. (IN CONNECTION W/00R-280) - Mark Hunzeker, 530 S. 13th St., Suite B, representing applicant: This is the second time this year you've seen this property. The first time we had proposed a change of zone & a community unit which would've provided for 44 lots on this property. We were told by the Planning Staff that we should develop it under the current zoning of AG & so we've done that. We have come back to you with a plan which is a community unit plan on 160 acres that provides for 8 single-family lots. We hope we have designed it in such a way that at such time as the City deems fit to designate this property as agricultural residential, perhaps during the update of the Comprehensive Plan, that it can be developed along the lines of what we had originally intended. But, for the time being, we will have simply 8 lots coming in off of Waverly Rd. & served by a common sewer system. We think this is a plan that will at least get us started, will provide for a few lots for people who've been literally calling ever since we started the original project for these lots &, hopefully, as we review the plan, looking forward into the Stevens Creek Water Shed & getting it out into the area that is east of Lincoln will see that this is an area that will not interfere with the urbanization & possibly develop some additional acreages. So, I'll try to answer any questions you have. We think this is a fairly simple & straightforward project which we ask you to approve.
This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Robert A. Manthey, 6855 South St., came forward & gave a presentation on improper procedures of the Dangerous Building Code Board of Appeals regarding his property. John Boies, Building & Safety Dept. & Secretary of the Board, stated that action has already been taken on this matter; next step for Mr. Manthey is to appeal to District Court within 30 days from the order of the Board; his understanding that Mr. Manthey has not done that. Mr. Cook inquired if there was any action the Council could take. Mr. Boies replied the next form of appeal is District Court. Mr. Manthey stated you can't appeal without an initial interview so there's nothing to appeal. Mr. Boies stated they've reviewed this, the City Attorney's Office reviewed the matter, it was their decision to convene the Board to have a hearing for this situation & that hearing was conducted & that Board ruled on the facts of that case. A copy of his statement is on file in the Office of the City Clerk. **(File #53B)**

Mike Morosin, 2055 "S" St., Past President of Malone Neighborhood Assoc., came forward regarding a newspaper article out of the Arizona Republic with the headline "Rural Metro gets Warning from Auditors". Mr. Morosin proceeded to read the newspaper article. Mr. Morosin stated he thinks we need to have a backup if Rural Metro goes out of business. A copy of this was placed on file in the Office of the City Clerk. **(File #53B)**

These matters were taken under advisement.

ORDINANCES - 3RD READING

CHANGE OF ZONE 3269 - APP. OF KREIN REAL ESTATE, INC. FOR A CHANGE FROM R-1 RESIDENTIAL & R-2 RESIDENTIAL TO R-T RESIDENTIAL TRANSITION, & FROM R-1 RESIDENTIAL TO H-4 GENERAL COMMERCIAL, ON PROPERTY GENERALLY LOCATED ON THE WEST SIDE OF THE INTERSECTION OF S. 56TH ST. & WALTZ RD., 1/4 MILE SOUTH OF OLD CHENEY RD. (IN CONNECTION W/00R-271, 00R-272) - DEPUTY CLERK read an ordinance, introduced by Jeff Fortenberry, amending the Lincoln Zoning District Maps attached to and made a part of Title 27 of the LMC, as provided by Section 27.05.020 of the LMC, by changing the boundaries of the districts established and shown thereon, the third time.
FORTENBERRY Moved to pass the ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.
The ordinance, being numbered **17740**, is recorded in Ordinance Book 24, Page

AMENDING CHAPTER 12.20 OF THE LMC RELATING TO TREES & SHRUBBERY BY ADDING A NEW SECTION NUMBERED 12.20.025 TO PROVIDE FOR THE PLANTING OF STREET TREES ON PRIVATE PROPERTY PURSUANT TO AN EASEMENT AGREEMENT IF THERE IS INSUFFICIENT LAND AVAILABLE FOR THE PLANTING & PROPER GROWTH OF THE STREET TREE OR TREES IN THE PUBLIC RIGHT-OF-WAY. (7/31/00 - AMENDED) (8/7/00 -

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PLACED ON PENDING UNTIL SEPTEMBER) - PRIOR to reading:

CAMP Moved to pass the ordinance as read. Seconded by Seng.

CAMP Moved to amend Bill 00-130 by adding a new paragraph on page 1, between lines 17 & 18.

COOK Suggested to amend the amendment by adding the phrase "each January" after the word "report".

CAMP Concurred.

The new paragraph would read as follows:

The determination of insufficiency of available land shall be based upon existing roadway width, except in those cases where design work is underway or completed for a roadway project to be constructed within the next year, in which case the new curb location shall control. The Parks and Recreation Department shall prepare an annual report each January for the City Council detailing where trees have been planted on private property and the reasons for such plantings.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CAMP Moved to reconsider the ordinance.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CAMP Moved to accept Substitute Ord. #2, with the motion to amend including the wording "each January".

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

DEPUTY CLERK Read an ordinance, introduced by Jon Camp, amending Chapter 12.20 of the LMC relating to trees & shrubbery by adding a new section numbered 12.20.025 to provide for the planting of street trees on private property pursuant to an easement agreement if there is insufficient land available for the planting & proper growth of the street tree or trees in the public right-of-way.

CAMP Moved to pass the ordinance as amended.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **17741**, is recorded in Ordinance Book 24, Page

PRELIMINARY PLATS, SPECIAL PERMITS & USE PERMITS

ACCEPTING & APPROVING THE PRE. PLAT OF FINIGAN RIDGE FOR 8 LOTS & WAIVERS OF THE REQUIRED SIDEWALKS, STREET TREES, STREET LIGHTING, LANDSCAPE SCREENS, & BLOCK LENGTH ON PROPERTY GENERALLY LOCATED AT N. 84TH ST. & WAVERLY RD. (IN CONNECTION W/00R-281) - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80478 WHEREAS, Pearle Finigan has submitted the preliminary plat of FINIGAN RIDGE ADDITION for acceptance and approval; and

WHEREAS, the Lincoln City - Lancaster County Planning Commission has reviewed said preliminary plat and made recommendations as contained in the letter dated September 7, 2000, which is attached hereto as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the preliminary plat of FINIGAN RIDGE ADDITION, as submitted by Pearle Finigan is hereby accepted and approved, subject to the terms and conditions set forth in Exhibit "A", which is attached hereto and made a part of this resolution as though fully set forth verbatim.

BE IT FURTHER RESOLVED that the City Council finds that the tract to be subdivided is surrounded by such development or unusual conditions that strict application of the subdivision requirements would result in actual difficulties or substantial hardship and the following modifications to the subdivision requirements are therefore approved:

1. The requirements of Sections 26.27.020, 26.27.070, 26.27.080, and 26.27.090 of the Lincoln Municipal Code, relating to the installation of sidewalks, ornamental street lights, landscape screens, and street trees, respectively, are waived pursuant to Section 26.31.010 based upon the rural nature of the proposed development and its location outside the corporate limits.

2. The requirement of Section 26.23.130 of the Lincoln Municipal Code that block lengths shall not exceed 1,320 feet between cross streets is waived along the north, south, east, and west side of the subdivision.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1857 - APP. OF PEARLE FINIGAN TO DEVELOP FINIGAN RIDGE COM-UNITY

UNIT PLAN CONSISTING OF 8 DWELLING UNITS ON PROPERTY GENERALLY LOCATED AT N. 84TH ST. & WAVERLY RD. (IN CONNECTION W/00R-280) - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80479 WHEREAS, Pearle Finigan has submitted an application designated as Special Permit No. 1857 for authority to develop Finigan Ridge Community Unit Plan on property located at North 84th Street and Waverly Road, and legally described to wit:

Lot 6 I.T., in the Northeast Quarter of Section 15, Township 11 north, Range 7 East, of the 6th P.M., Lancaster County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this community unit plan will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Pearle Finigan, hereinafter referred to as "Permittee", to develop Finigan Ridge Community Unit Plan, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that construction and operation of said community unit plan be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a total of eight dwelling units.
2. Before receiving building permits the Permittee must submit a permanent reproducible final site plan as approved.
3. Before occupying this development all development and construction must conform to the approved plans.
4. All privately-owned improvements, including landscaping, must be permanently maintained by the Permittee, and Permittee's successors and assigns.
5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, and Permittee's successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

USE PERMIT 131 - APP. OF KREIN REAL ESTATE, INC. TO CONSTRUCT SEVEN 5,000 SQ. FT., ONE-STORY, OFFICE/MEDICAL BUILDINGS & ASSOCIATED PARKING, WITH REQUESTS TO REDUCE THE PRIVATE ROADWAY WIDTH OF WALTZ RD. & TO WAIVE SIDEWALKS ALONG ONE SIDE OF THE PRIVATE ROADWAYS, ON PROPERTY GENERALLY LOCATED AT S. 56TH ST., 1/4 MILE SOUTH OF OLD CHENEY RD. (IN CONNECTION W/00R-272, 00-173)- DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80486 WHEREAS, Krein Real Estate, Inc. has submitted an application in accordance with Section 27.27.080 of the Lincoln Municipal Code designated as Use Permit 131 for authority to construct seven 5,000 sq. ft. office/medical buildings on property generally located at South 56th Street, 1/4 mile south of Old Cheney Road, and legally described to wit:

A portion of Lot 43 Irregular Tract, located in the Northeast Quarter of Section 17, Township 9 North, Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska, more particularly described by metes and bounds as follows:

Commencing at the East Quarter corner of Section 17, Township 9 North, Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska; thence north 00 degrees 00 minutes 00 seconds west (an assumed bearing) on the east line of the Northeast Quarter of said Section 17, a distance of 285.00

feet; thence south 89 degrees 53 minutes 46 seconds west, a distance of 33.00 feet to the point of beginning; thence south 89 degrees 58 minutes 09 seconds west, a distance of 530.21 feet; thence north 00 degrees 00 minutes 33 seconds east, for a distance of 130.00 feet; thence north 89 degrees 58 minutes 09 seconds east, for a distance of 130.00 feet; thence north 00 degrees 00 minutes 33 seconds east, for a distance of 105.00 feet; thence south 89 degrees 58 minutes 09 seconds west, for a distance of 130.00 feet; thence north 00 degrees 00 minutes 33 seconds east, for a distance of 1072.33 feet; thence north 89 degrees 53 minutes 46 seconds east, for a distance of 288.53 feet; thence south 00 degrees 04 minutes 02 seconds west, for a distance of 548.15 feet; thence south 16 degrees 53 minutes 42 seconds west, for a distance of 142.43 feet; thence south 00 degrees 04 minutes 02 seconds west, for a distance of 134.22 feet; thence south 49 degrees 59 minutes 19 seconds east, for a distance of 348.16 feet; thence south 00 degrees 00 minutes 00 seconds east, for a distance of 150.00 feet; thence north 90 degrees 00 minutes 00 seconds east, for a distance of 17.00 feet; thence south 00 degrees 00 minutes 00 seconds east, for a distance of 115.06 feet to the point of beginning and containing a calculated area of 436,875.87 square feet or 10.029 acres more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this development of office/medical buildings will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Krein Real Estate, Inc., hereinafter referred to as "Permittee", to construct seven 5,000 sq. ft., one story, office/medical buildings and associated parking on the property legally described above be and the same is hereby granted under the provisions of Section 27.28.090 of the Lincoln Municipal Code upon condition that construction and operation of said office/medical buildings be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves:
 - a. 35,000 total square feet of floor area in seven buildings.
 - b. A waiver to the private roadway design standards to allow 21 ft. pavement width.
 - c. A waiver of the sidewalk requirements to allow sidewalks on only one side of the private roadways.
2. Before receiving building permits:
 - a. The Permittee must submit a revised and reproducible final plan and five copies to the Planning Department.
 - b. The construction plans must conform to the approved plans.
 - c. The City must approve final plats within the area of this Use Permit.
3. Before occupying the buildings, all development and construction must be completed in conformance to the approved plans.
4. All privately owned improvements must be permanently maintained by the Permittee or an appropriately established owners association approved by the City Attorney.
5. The site plan, approved by this permit, shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors and assigns. The building official shall report violations to the City Council which may revoke this use permit or take such other action as may be necessary to gain compliance.
7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of this use permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving this use permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SPECIAL PERMIT 1855 - APP. OF KREIN REAL ESTATE, INC. TO DEVELOP 44,000 SQ. FT. OF RETAIL/COMMERCIAL FLOOR AREA, A REDUCTION OF THE FRONT YARD, A REDUCTION OF THE PRIVATE ROADWAY WIDTH OF WALTZ RD., & A WAIVER OF SIDEWALKS ALONG ONE SIDE OF THE PRIVATE ROADWAYS, ON PROPERTY GENERALLY LOCATED AT S. 56TH ST., 1/4 MILE SOUTH OF OLD CHENEY RD. (IN CONNECTION W/00R-271, 00-173) - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption:

A-80487 WHEREAS, Krein Real Estate has submitted an application designated as Special Permit 1855 for authority to develop 44,400 sq. ft. of retail/commercial space on property located at South 56th Street, 1/4 mile south of Old Cheney Road, and legally described to wit:

Lot 43 Irregular Tract, located in the Northeast Quarter of Section 17, Township 9 North, Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska; more particularly described by metes and bounds as follows:

Commencing at the East Quarter corner of Section 17, Township 9 North, Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska; thence north 00 degrees 00 minutes 00 seconds west (an assumed bearing) on the east line of the Northeast Quarter of said Section 17, a distance of 285.00 feet; thence south 89 degrees 53 minutes 46 seconds west, a distance of 33.00 feet; thence north 00 degrees 00 minutes 00 seconds west, a distance of 115.06 feet; thence south 90 degrees 00 minutes 00 seconds west, a distance of 17.00 feet; thence north 00 degrees 00 minutes 00 seconds west, a distance of 150.00 feet to the point of beginning; thence north 49 degrees 59 minutes 19 seconds west, a distance of 348.16 feet; thence north 00 degrees 04 minutes 02 seconds east, a distance of 134.22 feet; thence north 16 degrees 53 minutes 42 seconds east, a distance of 142.43 feet; thence north 00 degrees 04 minutes 02 seconds east, a distance of 548.15 feet; thence north 89 degrees 53 minutes 46 seconds east, a distance of 241.47 feet; thence south 00 degrees 00 minutes 00 seconds east, a distance of 1042.94 feet; thence north 90 degrees 00 minutes 00 seconds west, a distance of 17.00 feet to the point of beginning, and containing a calculated area of 240,119.99 square feet or 5.51 acres, more or less;

WHEREAS, the real property adjacent to the area included within the site plan for this retail/commercial development will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Krein Real Estate, Inc., hereinafter referred to as "Permittee", to develop 44,400 sq. ft. of retail/commercial space, on the property legally described above, be and the same is hereby granted under the provisions of Section 27.63.470 of the Lincoln Municipal Code upon condition that construction and operation of said retail/commercial development be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves:
 - a. 44,400 square feet of retail/commercial floor area.
 - b. A reduction of the front yard from 50 feet to 30 feet.
 - c. A reduction of the pavement width of the private roadway to 21 feet.
 - d. A waiver of sidewalk requirements to allow sidewalks on only one side of the private roadway.
2. Before receiving building permits:
 - a. The construction plans must conform to the approved plans.
 - b. Final plats within this special permit area must be approved by the City.
3. Before occupying this buildings, all development and construction must be completed in conformance with the approved plans.
4. All privately owned improvements must be permanently maintained by the Permittee or an appropriately established owners

association approved by the City Attorney.

5. The site plan, approved by this permit, shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee, its successors, and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PETITIONS & COMMUNICATIONS

SETTING HEARING DATE OF MON., OCT. 16, 2000 AT 1:30 P.M. ON THE APP. OF PARISH OF THE NORTH AMERICAN MARTYRS TO CONDUCT A RAFFLE IN THE CITY OF LINCOLN FOR THE PERIOD OF OCT. 14 - NOV. 18, 2000 - DEPUTY CLERK requested a motion.

MCROY So moved.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., OCT. 16, 2000 AT 1:30 P.M. ON THE APP. OF AMERICAN HEART ASSOC. TO CONDUCT A RAFFLE IN THE CITY OF LINCOLN FROM OCT. 23 TO NOV. 18, 2000 - DEPUTY CLERK requested a motion.

MCROY So moved.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

INFORMAL PETITION FOR A WATER DIST. TO BE CREATED IN SAYLOR ST. FROM 57TH TO 58TH ST. SUBMITTED BY DEYON D. BOUGHER - DEPUTY CLERK presented said petition which was referred to the Public Works Dept.

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON SEPT. 25, 2000 - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80485 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 09/29/00)

Introduced by Annette McRoy

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE FOR THE MONTH OF AUG., 2000 FROM: Working Assets Funding Service, Nebraska Technology & Telecomms., Excel Telecomms., MCI Telecomms., Intellicall Operator Services, Global Crossing Telecomms., Aliant Comms. dba Alltel, Aliant Cellular, Inc. dba Alltel, Broadwing Telecomms., Coast International, & USA Paging - DEPUTY CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

ASSESSING PREMISE CLEARANCE COSTS ASSOCIATED WITH THE CLEARING OF PUBLIC NUISANCES TO THE FOLLOWING BENEFITTED PROPERTIES: 727 C, 1106 S. 30TH, 302 D, 621 N. 70TH, 1235 PEACH, 2769 F, 1308 N. 26TH, 2227 DUDLEY, 200 S. 112TH, 1413 N. 33RD - DEPUTY CLERK read the following resolution, introduced by

Annette McRoy, who moved its adoption:

A-80475 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that:

Pursuant to Section 8.26.040 of the Lincoln Municipal Code, the premise clearance costs as shown on the list which is attached hereto, marked Exhibit "A" and made a part hereof by reference, are hereby assessed against the property set opposite each amount as shown thereon. Said assessments shall be delinquent from and after December 1, 2000 and draw interest as provided for in Neb. Rev. Stat. § 45-104.1 for assessments.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

OTHER RESOLUTIONS

MAN. APP. OF ROBERT D. ROSENTHAL FOR B & R STORES, INC. DBA RUSS'S BISHOP HEIGHTS IGA AT 4200 S. 27TH ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80467 WHEREAS, B & R Stores, Inc. dba "Russ's Bishop Heights IGA" located at 4200 S. 27th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Robert D. Rosenthal be named manager;

WHEREAS, Robert D. Rosenthal appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Robert D. Rosenthal be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APP. OF LAZLO, INC. DBA EMPYREAN ALES/LAZLO'S/JABRISCO'S FOR A CLASS K LIQUOR CATERING LICENSE AT 729 Q ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80468 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinance, the City Council recommends that the application of Lazlo, Inc. dba "Empyrean Ales/Lazlo's/Jabrisco's for the issuance of a Catering Permit to the existing liquor license, located at 729 Q Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all city and state regulations.

BE IT FURTHER RESOLVED that a copy of this resolution be transmitted by the City Clerk to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APP. OF DLLR, INC. DBA CITY SPIRITS TO DELETE AN AREA MEASURING 42' BY 28' TO THE SOUTH FROM ITS LICENSED PREMISES AT 2620 STOCKWELL ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80469 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act including Neb. Rev. Stat. § 53-132, and the pertinent City ordinances, the City Council recommends that the application of DLLR, Inc. dba "City Spirits" to delete an area measuring approximately 42' by 28' to the south from their presently licensed premises located at 2620 Stockwell Street, Lincoln, Nebraska, be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

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APP. OF LORABELLE, INC. DBA THE GRAPEVINE FOR A CLASS I LIQUOR LICENSE AT 2620 STOCKWELL ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80470 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Lorabelle, Inc. dba "The Grapevine" for a Class "I" liquor license at 2620 Stockwell Street, Lincoln, Nebraska, for the license period ending April 30, 2001, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MAN. APP. OF LINDA L. DENKINGER FOR LORABELL, INC. DBA THE GRAPEVINE AT 2620 STOCKWELL ST. - DEPUTY CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80471 WHEREAS, Lorabelle, Inc. dba "The Grapevine" located at 2620 Stockwell Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Linda L. Denkinger be named manager;

WHEREAS, Linda L. Denkinger appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Linda L. Denkinger be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

AMENDING THE "DESIGN STANDARDS FOR LAND SUBDIVISION REGULATIONS", THE "DESIGN STANDARDS FOR ZONING REGULATIONS", & THE "MISCELLANEOUS DESIGN STANDARDS" & TO COMBINE THE DESIGN STANDARDS INTO A SINGLE DOCUMENT ENTITLED "THE CITY OF LINCOLN DESIGN STANDARDS" - PRIOR TO READING:

SENG Moved to place Bill 00R-269 on Pending.

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REAPPOINTING LYNN LIGHTNER, DAN KUBR, & DOUG ELTING TO THE BUILDING CODE BOARD OF APPEALS FOR 3-YR. TERMS EXPIRING OCT. 1, 2003 - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80472 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Lynn Lightner, Dan Kubr, and Doug Elting to the Building Code Board of Appeals for three-year terms expiring October 1, 2003 is hereby approved.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REAPPOINTING WILLIE BANKS & JOY PATTEN TO THE STARTRAN ADVISORY BOARD FOR 3-YR. TERMS EXPIRING OCT. 20, 2003 - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80473 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the reappointment of Willie Banks and Joy Patten to the StarTran Advisory Board for three-year terms expiring October 20, 2003 is hereby approved.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPOINTING BILL WHITMER & DANNY PUDENZ TO THE ELECTRICAL ADVISORY, APPEALS, & EXAMINING BOARD FOR TERMS EXPIRING AUG. 15, 2003 & AUG. 15, 2001, RESPECTIVELY - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80474 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Bill Whitmer and Danny Pudenz to the Electrical Advisory, Appeals and Examining Board for terms expiring August 15, 2003 and August 15, 2001, respectively, is hereby approved.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

AMENDING RESOLUTION A-79228 WHICH ESTABLISHED BENEFITS PROVIDED FOR THE MAYOR BY THE CITY OF LINCOLN TO INCLUDE PARTICIPATION IN THE PEHP & TO CHANGE PERCENTAGE CONTRIBUTIONS FOR HEALTH INSURANCE PREMIUMS - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80476 WHEREAS, the City Council for the City of Lincoln, Nebraska on December 21, 1998 adopted Resolution No. A-79228 establishing the annual salary and various benefits for the Mayor of the City of Lincoln commencing with the mayoral term of May 17, 1999; and

WHEREAS, due to changes in City benefits it is necessary to amend Resolution No. A-79228 to reflect the current benefits available to the Mayor of the City of Lincoln.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska that Resolution No. A-79228 be amended to provide that the City of Lincoln shall contribute \$25.00 per pay period to the post-employment health plan for the benefit of the Mayor beginning with the 2000 - 2001 fiscal year; and further that the City shall contribute to the monthly cost of coverage under the City's group health care plan as follows: If the Mayor elects single coverage, the City shall contribute 98% of the single premium; if the Mayor elects 2/4 party or family coverage the City shall contribute 78% of the monthly cost of coverage and the Mayor's contribution shall equal 22 % of the remaining monthly cost of coverage. The City will also pay 50% of the monthly costs for dental coverage under the City's dental health plan for employees of the City. Such coverage may, at the option of the Mayor, be either single, 2/4, or family coverage.

BE IT FURTHER RESOLVED that all other provisions of Resolution No. A-79228 shall remain in full force and effect.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

AUTHORIZING AN APP. TO THE NEBRASKA GAME & PARKS COMMISSION FOR LAND & WATER CONSERVATION GRANT FUNDING ASSISTANCE FOR THE DEVELOPMENT OF THE MASTER PLAN PATHWAYS LOCATED IN WOODS PARK - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80477 WHEREAS, the Parks and Recreation Department of the City of Lincoln proposes to apply for assistance from the Nebraska Game and Parks Commission for Land and Water Conservation funds for the purpose of development of the pathways in Woods Park; and

WHEREAS, the City of Lincoln has available and will apply its share of the project cost (\$41,000) and has the financial capability to maintain and will maintain the completed improvements in a safe and attractive manner for public use; and

WHEREAS, the City of Lincoln wishes to express its support for the project and its willingness to commit to the cost of maintenance of the completed improvements in a safe and attractive manner for the public.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the City of Lincoln hereby expresses its support for the application being made by its Parks and Recreation Department to the Nebraska Game and Parks Commission for financial assistance from the Land and Water Conservation grant fund the purpose of constructing pathways in Woods Park.

The City of Lincoln will not discriminate against any person on the basis of race, color, age, religion, handicap, sex, or national origin in the use of the proposed project acquired or developed pursuant to the application for financial assistance. The City of Lincoln certifies that it has the financial capabilities to maintain the completed improvements in a safe and attractive manner for public use and further certifies that it will comply, where applicable, with the Americans with Disabilities Act by making the facilities accessible to the handicapped.

The Mayor is hereby authorized to sign all documents necessary and required by the Land and Water Conservation Fund administrators to acquire the grant funds.

No property developed under this project will, without the approval of the Nebraska Game and Parks Commission and the Secretary of the

Interior, be converted to non-public outdoor recreation purposes.

The City Clerk is directed to transmit a certified copy of this resolution to the Parks and Recreation Department for inclusion with the application to the Nebraska Game and Parks Commission.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APP. OF THE ST. TERESA'S CATHOLIC CHURCH TO CONDUCT A RAFFLE WITHIN THE CITY OF LINCOLN FROM OCT. 1, 2000 THROUGH NOV. 19, 2000 - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80480 WHEREAS, St. Teresa's Catholic Church has made application for a permit to conduct a raffle in the City of Lincoln pursuant to Chapter 9.32 of the Lincoln Municipal Code; and

WHEREAS, said application complies with all of the requirements of Section 9.32.030 of the Lincoln Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That, after public hearing duly had as required by Section 9.32.050 of the Lincoln Municipal Code, the City Council does hereby grant a permit to St. Teresa's Catholic Church to conduct a raffle in the City of Lincoln in accordance with the application filed by Rev. Joseph Nemec. The City Clerk is directed to issue a permit upon the payment by the applicant of the required fee, said permit to be valid only for the specific lotteries described in said application and only for a period of one year from the date of approval of this resolution. Said permit shall be subject to all of the conditions and requirements of Chapter 9.32 of the Lincoln Municipal Code.

BE IT FURTHER RESOLVED that pursuant to Section 9.32.080 of the Lincoln Municipal Code, a tax of 5% is imposed upon the gross proceeds received from the sale of raffle chances or tickets within the City of Lincoln, which tax shall be due no later than sixty (60) days after the conclusion of each raffle to be conducted hereunder, and if unpaid at that time, shall thereafter be delinquent.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., OCT. 23, 2000 AT 1:30 P.M. ON THE APP. OF BUGEATER INVESTMENTS, INC. DBA THE WATERING HOLE FOR A RETAIL CLASS I LIQUOR LICENSE AT 1321 "O" ST. - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80481 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Oct. 23, 2000 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the App. of Bugeater Investments Inc. dba The Watering Hole for a Retail Class I Liquor License at 1321 "O" St.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., OCT. 23, 2000 AT 1:30 P.M. ON THE MAN. APP. OF STACEY M. WILTSHIRE FOR INTER COM CLUB, INC. DBA NEBRASKA CLUB AT 2000 US BANK BLDG. - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80482 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Oct. 23, 2000 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Man. App. of Stacey M. Wiltshire for Inter Com Club Inc dba Nebraska Club at 2000 US Bank Bldg.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., OCT. 23, 2000 AT 1:30 P.M. ON THE MAN. APP. OF KEVIN C. HOWELL FOR BVR, INC. DBA KAMIKAZE'S AT 1600 "O" ST. - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who

moved its adoption:

A-80483 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Oct. 23, 2000 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Man. App. of Kevin C. Howell for BVR, Inc. dba Kamakazee's at 1600 "O" St. If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING HEARING DATE OF MON., OCT. 23, 2000 AT 1:30 P.M. ON THE MAN. APP. OF JODY A. KIMMERLING FOR LPG CORP. DBA BUSTER'S BARBECUE & BREW AT 2435 S. 48TH ST. - DEPUTY CLERK read the following resolution, introduced by Annette McRoy, who moved its adoption:

A-80484 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Oct. 23, 2000 at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the Man. App. of Jody A. Kimmerling for LPG Corp. dba Buster's Barbecue & Brew at 2435 S. 48th St.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Annette McRoy

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ORDINANCES - 1ST & 2ND READING

CHANGE OF ZONE 3278 - APP. OF HENDRICKS INVESTMENTS, L.L.C. TO REDUCE THE BUILDING LINE DISTRICT FROM 50' TO 40' ALONG SOUTH ST. BETWEEN FOLSOM ST. & S. 1ST ST. - DEPUTY CLERK read an ordinance, introduced by Annette McRoy, amending the "Building Line District Map" adopted pursuant to LMC Sec. 27.71.190 to delete the 50' Building Line Dist. along both sides of South St. from Folsom St. to S. 1st St., the first time.

AMENDING THE CORPORATE LIMITS OF THE CITY BY ANNEXING APPROX. 84.46 ACRES OF PROPERTY GENERALLY LOCATED AT S. FOLSOM & SOUTH STS. - DEPUTY CLERK read an ordinance, introduced by Annette McRoy, amending Section 10 of Ord. 8730, passed 5/17/65, as last amended by Sec. 1 of Ord. 17577, passed 11/15/99, prescribing & defining the corporate limits of the City of Lincoln, Nebraska; & repealing Sec. 10 of Ord. 8730 passed 5/17/65, as last amended by Sec. 1 of Ord. 17577, passed 11/15/99, as hitherto existing, the first time.

APPROVING A TRANSFER OF APPROPRIATIONS WITHIN THE WATER CONSTRUCTION FUND OF \$125,000 FROM CAPITAL IMPROVEMENT PROJ. 701283, WATER TRANSMISSION PUMP STATION REPLACEMENT & \$75,000 FROM CAPITAL IMPROVEMENT PROJ. 701024, WELL REPLACEMENTS - ASHLAND, TO CAPITAL IMPROVEMENT PROJ. 700806, WATER FILTER-TO-WASTE FACILITY; & \$10,000 FROM CAPITAL IMPROVEMENT PROJ. 506232, WATER DISTRIBUTION MAIN IN NW 12TH ST. FROM OGDEN TO HIGHLANDS TO CAPITAL IMPROVEMENT PROJ. 701025, PVC STORAGE BUILDING - DEPUTY CLERK read an ordinance, introduced by Annette McRoy, approving the transfer of appropriations between certain capital improvement projects with the Water Construction Fund, the first time.

AMENDING THE PAY SCHEDULES FOR A CERTAIN EMPLOYEE GROUP BY DELETING THE CLASSIFICATION OF LABORATORY CHEMIST - WPC - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, amending Section 1 of Ordinance No. 17705 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "A" by deleting the job classification of "Laboratory Chemist - WPC", the second time.

AMENDING THE PAY SCHEDULES FOR A CERTAIN EMPLOYEE GROUP BY DELETING THE CLASSIFICATION OF BUDGET AND ADMINISTRATIVE ANALYST I - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, amending Section 1 of Ordinance No. 17704 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "E" by deleting the job classification of "Budget & Administrative Analyst I" the second time.

AMENDING THE PAY SCHEDULES FOR CERTAIN EMPLOYEE GROUPS BY CREATING THE CLASS-

IFICATION OF GRANTS ADMINISTRATOR AND THE CLASSIFICATION OF AFFIRMATIVE ACTION OFFICER; BY CHANGING THE CLASSIFICATION OF BUDGET & ADMINISTRATIVE ANALYST II TO BUDGET & ADMINISTRATIVE ANALYST; AND BY DELETING THE JOB CLASSIFICATION OF MANAGER, LINCOLN AREA AGENCY ON AGING - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, amending Section 5 of Ordinance No. 17704 relating to the pay schedules of employees whose classifications are assigned to the pay range which is prefixed by the letter "M" by creating the job classifications of "Grants Administrator," and "Affirmative Action Officer"; by changing the job classification "Budget & Administrative Analyst II" to "Budget & Administrative Analyst"; and by deleting the job classification of "Manager, Lincoln Area Agency on Aging", the second time.

VACATING A PORTION OF N. 60TH ST. FROM SEWARD AVE. SOUTH 142' - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, vacating N. 60th St. from Seward Ave. south 142', and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

VACATING A PORTION OF N. CODDINGTON AVE. GENERALLY LOCATED SOUTH OF W. S ST. - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, vacating a portion of N. Coddington Ave. generally located south of W. "S" St., and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the second time.

CHANGE OF ZONE 3275 - AMENDING SECTIONS 27.24.040(J) AND 27.63.340 OF THE LMC TO ALLOW OTHER THAN PROFESSIONAL OFFICES AS PERMITTED SPECIAL USES IN THE R-8 RESIDENTIAL ZONING DIST. - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, amending Title 27 of the LMC by amending Sections 27.24.040 and 27.63.340 to allow other than professional offices as permitted special uses in the R-8 Residential Zoning District; and repealing Sections 27.24.040 and 27.63.340 as hitherto existing, the second time.

CHANGE OF ZONE 3281 - AMENDING CHAPTER 27.54 OF THE LMC TO DELETE SECTION 27.54.030 WHICH REQUIRES A MINIMUM OF ONE ACRES FOR P ZONING - DEPUTY CLERK read an ordinance, introduced by Cindy Johnson, amending Chapter 27.54 of the LMC relating to the P Public Use District by amending the introductory statement and repealing Section 27.54.030 of the LMC to delete the minimum one-acre requirement; and repealing the introductory statement of Chapter 27.54 as hitherto existing, the second time.

MISCELLANEOUS BUSINESS

PENDING LIST -

APPROVING & SUPPORTING THE REPORT & RECOMMENDATIONS OF THE LANCASTER COUNTY MEDICAL SOCIETY CONTAINED IN THE DOCUMENT ENTITLED "INDEPENDENT MEDICAL OVERSIGHT FOR PRE-HOSPITAL MEDICAL CARE" WHICH RECOMMENDS AN EMERGENCY & NON-EMERGENCY MEDICAL SYSTEM FOR THE CITY. (4/24/00 - PLACED ON PENDING UNTIL A PROVIDER IS PICKED) - DEPUTY CLERK requested a motion to withdraw Bill 00R-126 from Pending & to withdraw it.

JOHNSON So moved.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4347 & was placed on file in the Office of the City Clerk.

AMENDING SEC. 8.08.020 TO PROVIDE AN EXCEPTION TO THE REQUIREMENT OF A CERTIFICATE OF PUBLIC CONVENIENCE & NECESSITY FOR GOVERNMENT PROVIDERS OF SERVICE; AMENDING SEC. 8.08.090 TO PROVIDE ENFORCEABLE RESPONSE TIME VERIFICATION. (7/3/00 - PLACED ON PENDING) - DEPUTY CLERK requested a motion to withdraw Bill 00-115 from Pending & to withdraw it.

JOHNSON So moved.

Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4348 & was placed on file in the Office of the City Clerk.

AMENDING SEC. 2.20.010 TO PROVIDE THAT THE FIRE CHIEF HAVE CARE & CONTROL OF ALL EQUIPMENT & MANAGEMENT OF THE EMERGENCY MEDICAL SERVICES PROGRAM; ADDING A NEW SECTION NUMBERED 2.20.015 TO PROVIDE THAT EMERGENCY MEDICAL SERVICES & AMBULANCE TRANSPORT BE ASSIGNED TO THE FIRE DEPT. (7/3/00 - PLACED ON PENDING) - DEPUTY CLERK requested a motion to withdraw Bill 00-116 from

Pending & to withdraw it.

JOHNSON So moved.

 Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, having been **WITHDRAWN**, was assigned the File #38-4349 & was placed on file in the Office of the City Clerk.

ACCEPTING THE REPORT OF REGARDING EMILY D. COPPER'S TORT CLAIM AGAINST THE CITY & APPROVING DISPOSITION OF CLAIM SET FORTH. (10/2/00 - ACTION DELAYED ON THIS CLAIM; ALL OTHER CLAIMS DISPOSED OF.) - DEPUTY CLERK requested a motion to remove Bill 00R-265 from Pending for action on 10/16/00.

JOHNSON So moved.

 Seconded by Seng & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CHANGE OF ZONE 3283 - AMENDING TITLE 27 OF THE LMC TO PERMIT ADULT CARE CENTERS BY SPECIAL PERMIT IN THE R-1, R-2, R-3, R-4, & R-5 DIST. (IN CONNECTION W/00R-279) (10/2/00 - PUB. HEARING & ACTION DELAYED TO 10/16/00) SPECIAL PERMIT 1851A - APP. OF TABITHA, INC. & TABITHA HOUSING CORP., TO OPERATE A COMBINED EARLY CHILDHOOD CARE FACILITY & ADULT CARE CENTER FOR A MAXIMUM OF 42 CHILDREN & 20 ADULTS, WITH A MAXIMUM OF 9 EMPLOYEES, & WAIVING THE REQUIRED ACCESS TO AN ARTERIAL STREET ON PROPERTY GENERALLY LOCATED AT 48TH & J STS. (IN CONNECTION W/00-181):

CAMP Moved to remove Bill 00-181 & 00R-279, respectively, from the Pending List for Pub. Hearing & Action on 10/16/00.

 Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CAMP Moved to extend the Pending List for 1 week.

 Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

UPCOMING RESOLUTIONS

JOHNSON Moved to approve the resolutions to have Public Hearing on Oct. 16, 2000.

 Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ADJOURNMENT

3:20 P.M.

JOHNSON Moved to adjourn the City Council Meeting of Oct. 9, 2000.

 Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

So ordered.

Joan E. Ross, Deputy City Clerk

Teresa J. Meier-Brock, Office Assistant III

